

REMARKS

Claims 1-11 are pending in the application. New claim 11 has been added. Claim 1 is an independent claim.

Priority

The Examiner states that applicants have not filed certified copies of two Japanese priority applications. Applicants, however, wish to note to the Examiner that such certified copies were filed on August 16, 2001. A copy of the returned postcard receipt as well as the transmittal Letter are attached hereto for the record. If certified copies are still required, the Examiner is respectfully requested to notify Maki Hatsumi (Reg. No. 40,417 at 703-205-8000).

Changes to Specification and Claims

Minor changes have been made to the specification to place it in better form for U.S. practice.

Further, minor changes have been made to the pending claims, without narrowing the scope thereof, to place them in better form for U.S. practice.

Claim Rejections - 35 U.S.C. § 112

Claim 10 has been rejected under 35 U.S.C. § 112, second paragraph, because essential structural cooperative relationships

between the analyzer and the dispensing apparatus have been omitted.

Claim 10 has been amended to overcome this rejection. The Examiner is respectfully requested to reconsider and withdraw this rejection.

An Embodiment of the Present Invention

An embodiment of the present invention is directed to a liquid dispensing apparatus that includes: a container setting part for setting a container for containing a liquid, the container having a lid coupled to the container and adapted to open and close about an opening/closing pivot part, and a hook part that projects upward from the lid when the lid is closed; and a dispensing mechanism part having a pipette for drawing and dispensing the liquid, a raising/lowering part for raising and lowering the pipette, a base for holding the raising/lowering part and provided with a projection part adapted to engage with the hook part, and a base driving part for moving the base, thereby enabling to act the pipette and the projection part at a suitable position. The base moves horizontally thereby the projection part opens the lid by abutting against the hook part and moving the hook part toward the pivot part side of the container.

Claim Rejections under 35 U.S.C. § 102

(a) Claims 1-4, 6, and 8-10 have been rejected under 35 U.S.C. § 102(b) as being anticipated by Kanbara et al. (USP 5,628,962). This rejection is respectfully traversed.

Kanbara is directed to an apparatus for opening and closing reagent containers. As shown in Fig. 2, a container 4 has a lid 16 for opening and closing an opening portion 4b of the container 4. The lid 16 is provided with a projecting portion 16a that projects from the lid 16 in a horizontal direction when the lid 16 is closed (refer to Fig. 8). The lid 16 is opened by engaging a hook 17 provided in a cap manipulator device shown in Fig. 3.

Kanbara, however, does not disclose a structure having a base with a pipette and a projection part and the base moves thereby enabling to act the pipette and the projection part at a suitable position. Kanbara also does not disclose a structure that the base moves horizontally thereby the projection part opens the lid by abutting against a hook part, and a structure that the hook part of the lid projects upward.

In other words, Kanbara does not have "a base for holding the raising/lowering part and provided with a projection part adapted to engage with the hook part, and a base driving part for moving the base, thereby enabling to act the pipette and the projection part at a suitable position," and the base does not move

"horizontally thereby the projection part opens the lid by abutting against the hook part and moving the hook part toward the pivot part side of the container," and does not have "a hook part that projects upward from the lid when the lid is closed," as recited in claim 1.

Claims 2-4, 6, and 8-10, variously dependent on claim 1, are allowable at least for their dependency on claim 1.

The Examiner is respectfully requested to reconsider and withdraw this rejection.

(b) Claims 1-10 have been rejected under 35 U.S.C. § 102(b) as being anticipated by Iwata et al. (USP 4,495,149). This rejection is respectfully traversed.

Iwata is directed to an optical-type automatic analyzing and measuring apparatus. As shown in Figs. 13-17, Iwata discloses a pair of hooks 70, 70 attached to an upper surface of a cover 71. Each hook 70 has a reversed L-shaped cross section, as shown in Fig. 14.

Iwata also discloses a lifting mechanism having a flat plate 85 attached to a lifter 84 that moves the flat plate 85 up and down. The cover 71 is moved up and down by inserting the flat plate 85 in a space defined by the pair of hooks 70, 70 as shown in Figs. 15 and 17.

Iwata, however, does not have a base that move "horizontally thereby the projection part opens the lid," and does not have "a lid coupled to the container and adapted to open and close about an opening/closing pivot part," as recited in claim 1.

Claims 2-10, variously dependent on claim 1, are allowable at least for their dependency on claim 1.

The Examiner is respectfully requested to reconsider and withdraw this rejection.

New Claim

New claim 11 has been added.

Claim 11, dependent on claim 1, is allowable at least for its dependency on claim 9.

Conclusion

Accordingly, in view of the above amendments and remarks, reconsideration of the rejections and objections, and allowance of the pending claims are earnestly solicited.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Maki Hatsumi (Reg. No. 40,417) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.


Reply dated November 24, 2003

Reply to O.A. of August 29, 20031

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By  (reg. #40,419)
for Terrell C. Birch, #19,382

TCB:MH/mh:pjh
0397-0425P

P.O. Box 747
Falls Church, VA 22040-0747
(703) 205-8000

(Rev. 09/30/03)

Attachments: Copy of postcard receipt and Letter evidencing previous submission of priority documents